

REMARKS

At the issuance of the Office Action, claims 17, 18, 20, 22-24, 26, 29-37, 39 and 40 are pending in the application with the Office presenting rejections on various grounds for each of these claims. The applicants submit that the above-presented amendments to the claims, along with the following arguments address each and every issue raised by the Office or renders such issues as moot. Further, the applicants submit that the claims as presented herein are allowable.

Claim Rejections – 35 USC § 103

The Office has rejected claims 17, 18, 20, 22-24, 26, 29, 30, 35-37, 39 and 40 under 35 U.S.C 103(a) as being unpatentable over United States Patent Application Publication 2002/0118112 filed in the name of Lang (Lang1) in view of US Patent Application Publication 2002/0078367 to Lang et al. (Lang2), United States Patent Application Publication 2006/0264775 to Mills et al. (Mills) and United States Patent Number 6,985,078 to Suzuki et al. (Suzuki).

The present application was filed under 35 USC 371 based on international patent application PCT/IL04/00316 having a filing date of April 7, 2004, which application claims priority to United States Provisional Application for Patent serial number 60/461,319 having a filing date of April 8, 2003. The present application thus has a priority date of April 8, 2003.

Of the currently pending claims, claims 17 and 36 are the only two independent claims. All the remaining claims depend either directly or indirectly from either claim 17 or claim 36.

The Office presents a rejection of claims 17 and 36 under 35 USC 103 based on the combination of all the above cited references.

An objective of the present invention as described by claims 17 and 36 is a portable wireless gateway that wirelessly communicates with a medical measuring device and also connects to a standard local computer. The wireless gateway carries software for the standard computer, personal information and setting parameters for the measuring device, thus, converting the computer and the measuring device into a system. Claim 17

claims the system and claim 36 claims the gateway. Applicant claims that the cited prior art, among other things, is lacking this concept of wireless gateway as described in claims 17 and 36.

The Office alleges that the components of claims 17 and 36 are described in Lang 1 as follows:

Lang1 teaches the portable wireless gateway (Lang1 20) and the wireless communication unit (Lang1 18).

Lang2 teaches the non-volatile memory (Lang2 18), the processing unit (Lang2 17), and the computer interface module (Lang2 24), including software (Lang2 20) and data (Lang2 22).

Lang1 further teaches the portable wireless gateway containing personal information of the user.

Mills teaches setting parameters for the measuring device.

Suzuki teaches alerting the user.

More specifically, the Office argues that “with regard to a measuring device for measuring at least one medical parameter of a user, Lang1 teaches sensors that wireless transmit health parameter measurements”. However, the Office has failed to show the claimed measuring device which is recited as measuring at least one medical parameter of a user and that includes a communication module for wirelessly transmitting measured parameters and receiving data and instructions. At the very least, the Office has clearly failed to show any reference that teaches a measuring device that can receive data and instructions, as well as to transmit health parameter measurements. It is clear from the language of claim 17, as supported in the specification and Fig. 1, that communication between the wireless gateway and the measuring device is bi-directional for the reception of data and instructions. Because this element is not described in the cited references, the applicants respectfully submit that the claim is allowable.

Further, the Applicant submits that neither Lang1, nor Mills nor Suzuki teach a standard computer at the vicinity of the user, or connecting their wireless gateway to a local computer, or harnessing any means of a local computer to execute any feature of their systems.

Lang1 lacks the computer. Lang1 teaches [Para 18] that “The system 10 enables emergency medical personnel 12 and other authorized users 13 to quickly download medical information from the subscriber's medical database file 64 anywhere in a large region. In the first embodiment, the system 10 includes a central computer 60 connected to a wide area network 45. Medical information is stored in a subscriber's medical database file 64 loaded into the memory of the central computer 60 which can be reviewed by the subscriber 11, by emergency medical personnel 12, or by other authorized users 13 at any time.” The “user's personal information is entered into the client-side software program 23” [Para 28] is merely to identify the user to the central computer 60. There is no standard computer at the user's vicinity, the wireless communication unit 20 does not transfer software or settings anywhere, and there is no motivation to do it.

Similarly, Mills and Suzuki describe self-contained medical sensing systems that do not connect to any local standard computer.

Furthermore, Lang1 that teaches a remote computer does not teach uploading software or data to the remote computer.

Lang2 teaches non-volatile memory device connecting to a local computer. However, the Applicant submits that Lang2 teaches the opposite of the objective of the present invention. While claim 36 teaches that “connecting the portable wireless gateway to a computer the computer becomes a part of the remote medical monitoring system”, Lang2 teaches that “The second device type is preferably configured to provide a service for applications running on the host computing device.”

The Applicant therefore submits that neither Lang1, nor Mills nor Suzuki nor Lang2 hint to a need for, or a solution comprising, incorporating a local computer for processing an external (medical) application (measurement data). Moreover, to incorporate a local computer with the gateway and the sensing device one needs to reverse the logic of Lang2. That the computer is local as presented in claims 17 and 36 is supported by the recitation that the wireless gateway is connected to the computer through a standard port, such as a USB port. Being connected is accomplished by first being local as opposed to being networked.

Even further, and again in contradiction to the teaching of Lang2, in the present invention the computer, using the software loaded from the gateway/non-volatile device, processes information provided via the gateway/non-volatile device.

The Applicant therefore submits that the combination of Lang1, nor Mills nor Suzuki with Lang2 is both non-obvious *and* insufficient to provide the functionality of the system described in claim 36.

To assert the difference between the present invention and the cited prior art the Applicant amended claims 17 and 36 as follows:

Claim 17 was amended to include the following limitations:

“wherein the portable wireless gateway is configured to load [paragraphs 17, 68, 77] at least one of the software [paragraphs 17, 68, 77], and the personal information [paragraph 78] to the computer; and

wherein the computer is configured to download the software from the portable wireless gateway, and, using the software, to receive the measured parameters via the portable wireless gateway. [paragraph 39] to analyzes measured data and to alerts the user.”

Claim 36 was amended to include the following limitations:

“wherein after connecting the portable wireless gateway to the computer, the portable wireless gateway loads at least one of the software and the personal information to the computer” [paragraphs 17, 68, 77 and 78]; and

“wherein the software loaded and executed by the computer activates the measuring unit, receives medical information from the measuring unit via the portable wireless gateway [paragraph 39], analyzes measured data, and alerts the user.

The applicant stresses that even when combined, the cited prior art does not teach that “the software loaded and executed by the computer activates the measuring unit, receives medical information from the measuring unit via the portable wireless gateway, analyzes measured data, and alerts the user.”

Thus, the applicant submits that the two pending independent claims, namely claims 17 and 36, are allowable over the cited art. Further, the applicants assert that each of the pending dependent claims is thus likewise allowable. Such action is respectfully requested of the Office.

Conclusion

In view of the above-presented arguments, the applicants respectfully submit that Claims 17, 18, 20, 22-24, 26, 29, 30, 35-37, 39 and 40 are not rendered obvious by the cited art and are, therefore, allowable.

All of the issues raised by the Examiner have been dealt with. In view of the foregoing, it is submitted that all the claims now pending in the application are allowable over the cited reference. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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